

# **EXHIBIT D**

## Exhibit D: Documents Considered List

### Case Documents

Appeal from the United States District Court for the Northern District of California, *Epic Games, Inc., v. Apple, Inc.*, United States Court of Appeals for the Ninth Circuit, Case No.: 4:20-cv-05640-YGR, November 14, 2022.

Complaint for Injunctive Relief, *Epic Games, Inc., v. Apple, Inc.*, United States District Court, Northern District of California, Case No.: 4:20-cv-05640-YGR, August 13, 2020.

Defendant and Counter-Claimant Apple Inc.'s Answer, Defenses, and Counterclaims in Reply to Epic Games, Inc.'s Complaint for Injunctive Relief, *Epic Games, Inc., v. Apple, Inc.*, United States District Court, Northern District of California, Case No.: 4:20-cv-05640-YGR, September 8, 2020.

Defendant Apple Inc.'s Final Proposed Findings of Fact and Conclusions of Law, *Epic Games, Inc., v. Apple, Inc.*, United States District Court, Northern District of California, Case No.: 4:20-cv-05640-YGR-TSH, May 28, 2021.

Epic Games, Inc.'s Answer to Apple Inc.'s Counterclaims, *Epic Games, Inc., v. Apple, Inc.*, United States District Court, Northern District of California, Case No.: 4:20-cv-05640-YGR, September 29, 2020.

Findings of Fact and Conclusions of Law Proposed by Epic Games, Inc., *Epic Games, Inc., v. Apple, Inc.*, United States District Court, Northern District of California, Case No.: 4:20-cv-05640-YGR-TSH, May 3, 2021.

Motion for Preliminary Injunction, Reporter's Transcript of Zoom Webinar Proceedings, *Epic Games, Inc., v. Apple, Inc.*, United States District Court, Northern District of California, Case No.: 4:20-cv-05640-YGR, September 28, 2020.

Rule 52 Order After Trial on the Merits, *Epic Games, Inc., v. Apple, Inc.*, United States District Court, Northern District of California, Case No.: 4:20-cv-05640-YGR, September 10, 2021.

### Legal Documents

Association of Certified Fraud Examiners 2017 Fraud Examiners Manual, CFE Code of Professional Standards

Exhibit PX-2619, "Apple Developer Program License Agreement"

Exhibit PX-2621, "Apple Developer Program License Agreement Schedule 2"

Exhibit PX-2790, "App Store Review Guidelines"

Statement on Standards for Forensic Services No. 1, Effective for Engagements  
Accepted on or after January 1, 2020

## Data

Epic Spend Report Cost Collection\_APL2020021414.xlsx

Epic Spend Report Cost Collection\_APL2020045545.xlsx

Epic Spend Report Cost Collection-APL2020045546.xlsx

## Declarations

Draft Declaration of Compass Lexecon in support of Apple Inc.'s motion for entry of judgement on its indemnification counterclaim, *Epic Games, Inc., v. Apple, Inc.*, United States District Court, Northern District of California, Case No.: 4:20-cv-05640-YGR.

Draft Declaration of Consilio LLC in support of Apple Inc.'s motion for entry of judgement on its indemnification counterclaim, *Epic Games, Inc., v. Apple, Inc.*, United States District Court, Northern District of California, Case No.: 4:20-cv-05640-YGR.

Draft Declaration of Cornerstone Research in support of Apple Inc.'s motion for entry of judgement on its indemnification counterclaim, *Epic Games, Inc., v. Apple, Inc.*, United States District Court, Northern District of California, Case No.: 4:20-cv-05640-YGR.

Draft Declaration of Cynthia E. Richman Re Gibson, Dunn & Crutcher LLP's fees and costs in support of Apple Inc.'s motion for entry of judgement on its indemnification counterclaim, *Epic Games, Inc., v. Apple, Inc.*, United States District Court, Northern District of California, Case No.: 4:20-cv-05640-YGR.

Draft Declaration of David R. Eberhart in support of Apple Inc.'s motion for entry of judgement on its indemnification counterclaim, *Epic Games, Inc., v. Apple, Inc.*, United States District Court, Northern District of California, Case No.: 4:20-cv-05640-YGR.

Draft Declaration of Jessica E. Phillips in support of Apple Inc.'s motion for entry of judgement on its indemnification counterclaim, *Epic Games, Inc., v. Apple, Inc.*, United States District Court, Northern District of California, Case No.: 4:20-cv-05640-YGR.

Draft Declaration of Karen Hoffman Lent (Skadden, Arps, Slate, Meagher & Flom LLP) in support of Apple Inc.'s motion for entry of judgement on its indemnification counterclaim, *Epic Games, Inc., v. Apple, Inc.*, United States District Court, Northern District of California, Case No.: 4:20-cv-05640-YGR.

Draft Declaration of Mark A. Perry in support of Apple Inc.'s motion for entry of judgement on its indemnification counterclaim, *Epic Games, Inc., v. Apple, Inc.*, United States District Court, Northern District of California, Case No.: 4:20-cv-05640-YGR.

Declaration of Mark Rollins in support of Apple Inc.'s motion for entry of judgement on its indemnification counterclaim, *Epic Games, Inc., v. Apple, Inc.*, United States District Court, Northern District of California, Case No.: 4:20-cv-05640-YGR.

Draft Declaration of Melanie M. Blunschi in support of Apple Inc.'s motion for entry of judgement on its indemnification counterclaim, *Epic Games, Inc., v. Apple, Inc.*, United States District Court, Northern District of California, Case No.: 4:20-cv-05640-YGR.

Draft Declaration of OpenText in support of Apple Inc.'s motion for entry of judgement on its indemnification counterclaim, *Epic Games, Inc., v. Apple, Inc.*, United States District Court, Northern District of California, Case No.: 4:20-cv-05640-YGR.

Draft Declaration of Orrick, Herrington & Sutcliffe in support of Apple Inc.'s motion for entry of judgement on its indemnification counterclaim, *Epic Games, Inc., v. Apple, Inc.*, United States District Court, Northern District of California, Case No.: 4:20-cv-05640-YGR.

Draft Declaration of Peter John Sacripanti in support of Apple Inc.'s motion for entry of judgement on its indemnification counterclaim relating to fees paid to McDermott, Will & Emery LLC, *Epic Games, Inc., v. Apple, Inc.*, United States District Court, Northern District of California, Case No.: 4:20-cv-05640-YGR.

## **Invoices**

Vendor invoices submitted to Apple.